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CONFEDERATE STATES OF AMERICA.
READ AND HAND TO YOUR NEIGHBOR.

CORRESPONDENCE

BETWEEN THE

SECRETARY OF WAR

AND

GOVERNOR BROWN,

GROWING OUT OF A REQUISITION MADE
UPON THE GOVERNOR FOR THE

RESERVE MILITIA OF GEORGIA

TO BE TURNED OVER TO CONFEDERATE CONTROL.

BOUGHTON, NISBET, BARNES & MOORE, STATE PRINTERS,
MILLEDGEVILLE, GA,

1865.

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CORRESPONDENCE.

CONFEDERATE STATES OF AMERICA, }
WAR DEPARTMENT. }
Richmond Va., August 30, 1864. }

HIS EXCELLENCY J. E. BROWN,
GOVERNOR OF GEORGIA,
Milledgeville, Georgia,

Sir:

The condition of your State, subjected to formidable invasion and menaced with destructive raids in different directions by the enemy, requires the command of all the forces that can be summoned for defence. From recent official correspondence submitted to the Department, it appears, on your statement, that you have organized ten thousand or more of the militia of your State, and I am instructed by the President to make requisition on you for that number, and such further force of militia, to repel invasion, as you may be able to organize, for Confederate service. Those within the limits of General Hood's Department will report to him; those outside, to the Commandant of the Department of South Carolina and Georgia.

Very respectfully, your obedient servant

JAMES A. SEDDON,
Secretary of War.

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, Ga., September 12, 1864. }

Hon. James A. Seddon, Secretary of War,

SIR: Your letter of 30th of last month only reached me by last mail.

You refer to the fact that I have organized ten thousand of the militia of this State, and say you are instructed by the President to make requisition upon me for that number and such other force of militia to repel invasion as I may be able to organize.

You preface this requisition by the remark that the condition of my State, subjected to formidable invasion and menaced with destructive raids in different directions by the enemy, requires the command of all the forces that can be summoned for defence.

In common with the people of Georgia, I have abundant reason to regret that the President has been so late in making this discovery. This "formidable invasion" commenced in May last, and has steadily forced its way, by reason of overwhelming numbers, through the most fertile section of Georgia, till its leader is now in possession of the city of Atlanta, menacing the centre of the State, threatening by his winter campaign to cut the last line of railroad that connects Virginia and the Carolinas with Alabama and Mississippi. The President, during most of the time since the campaign against Atlanta began, has had at his command a large force, said to number some 30,000 men in Texas and Louisiana. Since the brilliant victories achieved by our armies in the latter State early in the season, this large force has had no enemy to confront except the troops of a few garrisons, who were in no condition to penetrate the interior of the country or do any serious damage. He has also, if correctly reported, had about 20,000 men under General Early, invading Maryland and Pennsylvania, thereby uniting Northern sentiment against us and aiding President Lincoln to rally his people to reinforce his armies. About the same time General Morgan was raiding in Kentucky, and General Forrest, the great cavalry leader, has been kept in Northern Mississippi to repel raids after the country had been so often overrun as to leave but little public property for them to destroy.

Thus, reversing the rule upon which most great Generals, who have been successful, have acted, of rapid concentration of his forces at vital points to destroy the invading army, the President has scattered his forces from Texas to Pennsylvania, while a severe blow was being struck at the heart of the Confederacy; and Atlanta has been sacrificed and the interior of Georgia thrown open to further invasion for want of reinforcements to the army of Tennessee. Probably few intelligent men in the country, except the President and his advisers, have failed to see that if Generals Forrest and Morgan had been sent to destroy the railroads over which General Sherman's supplies have been transported for three hundred miles through an enemy's country,

and to keep the roads cut for a few weeks, and at the same time the forces of General E. Kirby Smith and Major General Early, or even half of them, had been sent to reinforce Gen. Johnston, or after he was superceeded, General Hood, the army of invasion might not only have been repulsed and driven back, but routed and destroyed.

This would instantly have relieved Georgia, Alabama, Mississippi and Tennessee from invasion and raids, and have thrown open the green fields of Kentucky for the support of our gallant troops. As the army of General Sherman is the only protection provided by the Lincoln government for the Western States, and as the battle for the possession of a large portion of the Mississippi Valley, as well as of the Gulf States, was to be fought in Georgia, justice, not only to the people of Georgia, but the people of all the States, required that all the troops which were not actually necessary to the defence of Richmond, and to hold the enemy in check at the most vital points on the coast, should have been concentrated for the destruction of the Federal army in Georgia, which would, in all probability have brought the war to a speedy termination.

I have begged the President to send reinforcements to the army for the defence of Atlanta ever since the enemy were at Etowah. But a very small number have been sent, and if I am correctly informed, part of the troops under General Hood's command have been ordered from this to other States.

While we have been sorely pressed by the enemy a camp of 30,000 Federal prisoners has been kept in the rear of our army, which has added greatly to our embarrassments, and as it seems required all the small force of Confederate Reserves, organized by Major General Cobb, with other occasional reinforcements to guard them. The reserve force organized under the late Conscript Act for State defence, has been thus employed, I presume, by order of the President, and in the hour of her peril Georgia has not had a single one of them at the front with a musket in his hand to aid in her defence. Had the militia been at his command for such service as he might have ordered, and at such place as he might designate, the presumption is that the same remark might have been applicable to them, as other employment could, as in case of the local companies under the President's command, have been found for them at other places while the enemy were besieging Atlanta.

Another remarkable fact deserves attention. During the whole march of the enemy upon Atlanta, and for more than a month after it was closely invested and shelled by the enemy, it never seems to have occurred to the President to make requisition upon me for the militia of Georgia to

aid in repelling this "formidable invasion" or these "destructive raids," and it is only when he is informed that I have an organization of gallant, fearless men ready to defend the State against usurpations of power as well as invasions by the enemy, that he makes requisition upon me for this force and all others I can organize. I must express my astonishment, however, that you and the President should seem to be ignorant of the fact that this force was organized by me to aid in repelling the army of invasion, that it was placed by me under the command of General Johnston and afterwards of General Hood for the defence of Atlanta, and that the brave men of which it is composed under the command of the General appointed by the President for the defence of the city, have taken their full share in the dangers, fatigues and sufferings of the campaign and have acted with distinguished valor both upon the battlefield and for over forty days in the trenches around the city of Atlanta, and that they formed the rear guard when Atlanta was evacuated, and brought off with them safe and in good order the reserve artillery of the army which was especially entrusted to them by the Commander-in-chief. For all this no word of thanks or praise comes from the President to encourage them. They were militia. Their Generals and other officers were not appointed by the President and their services are ignored by him.

In making this requisition it is quite clear that it was no part of the President's object to get these brave men into service. They were there at the time, in the trenches, among those who were nearest to the enemy, where they never faltered in a single instance. It was not done to produce harmony in the command, for the most perfect harmony has existed between me and both the Generals who have commanded the army since the militia were called out, and it is well known that I placed them for the time under the absolute control of the Confederate General commanding. It was not done to increase the number in service at the front, for the President is too familiar with the obstacles thrown in my way by Confederate officers when I have attempted to compel men to go to the trenches, to have committed this mistake. It was certainly not done to cause Georgia to furnish her quota of troops required in like proportion of other States, for she has already furnished more than her just quota, and to every call responded with more than were required, while she has borne the rigors of conscription executed with as much severity as in any other State. I hear of no similar requisition having been made upon any other State. While Georgia has more than filled every requisition made upon her *in common with her sister States*, and has borne her full share of conscription, and has for

months had her reserved militia under arms from sixteen to fifty-five years of age, I am informed that even the Confederate reserves of other States from seventeen to eighteen, and from forty-five to fifty, have till very lately been permitted by the President to spend much of their time at home attending to their ordinary business. Without departing from legitimate inquiry as to the cause of this requisition, I might ask why this distinction is made against the good people of this State, and why her Confederate reserves are kept constantly in service, and why requisition is made for her whole militia, when the same is not required of any other State. It is quite clear that it was not made either to compel the State to do her just part which she has always done, or to put more of her sons into active service for her defence; for every man called for by the requisition was in service before it was made. The President must then have had some other motive in making the requisition, and I think it not uncharitable under all the circumstances to conclude that the object was to grasp into his own hands the entire control of the whole reserve militia of the State, which would enable him to disband its present organization, and place in power over it his own partizans and favorites as Major General, Brigadier Generals, &c., &c., in place of the distinguished officers who were appointed to command in conformity to the Constitution of the country and the laws of the State, and who have commanded the organization with so much honor to themselves, satisfaction to the troops, and advantage to the public service.

Again it is worthy of remark that the requisition is made upon me for the whole militia of the State—all I have organized and all I can organize—without limitation of time or place of service. If I comply with it the militia of Georgia after the President has obtained absolute control over them may be taken for the war from their State, as tens of thousands of their brave fellow citizens now are, while Georgia and their homes are being overrun. If I am asked to trust the sound judgment and good faith of the President for their discharge and return to their homes at such times as their services are not indispensable in the military field, I cannot forget the faith that was violated last fall to thousands of Georgians who were organized under a requisition from the President to be employed in the local defence of important cities, and in repelling *in emergencies* the sudden or transient incursions of the enemy," to be employed "only when and so long as they might be needed," "with the privilege of remaining at home in the pursuit of their ordinary avocations, unless when called for a temporary exigency to active duty."

Thousands of these men organized for six months service, with the guarantees above mentioned, were called out early in September last, and were kept constantly in service till the expiration of their term in March. During most of the time they were guarding no important city. There was no sudden emergency or transient incursion of the enemy, no exigency for the last four months of the time, and still they were kept in service in violation of the faith that had been pledged to them, and were denied the privilege of going home or attending to the "pursuit of any of their ordinary avocations," and this too after the contract, under which they had entered the service, had been pressed upon the consideration of the President.

It is impossible for the agricultural and other industrial pursuits of the people to be saved from ruin if the whole reserve militia of the State, from 16 to 55, are put permanently into the service as regular troops. Judging from the past, I can not place them at the command of the President for the war, without great apprehension that such would be their fate. Indeed, not even the President's promise to the contrary is found in the requisition you now make. I am not, therefore, willing to expose the whole reserve militia of Georgia to this injustice, and our agricultural and other interests to ruin, when no other State is required to make any such sacrifice or to fill any such requisition.

The Constitution of the Confederate States authorizes the States, as well as the Confederacy, to keep troops in time of war when actually invaded, as Georgia now is. Her militia have been organized and called into active service under her own laws for her own defence; and I do not feel that I am authorized to destroy her military organization at the behest of the President, or to surrender to him the command of the troops organized and retained by her by virtue of her reserved power for her own defence, when greatly needed for that purpose, and which are her only remaining protection against the encroachments of centralized power. I therefore decline to comply with or fill this extraordinary requisition. While I refuse to gratify the President's ambition in this particular, and to surrender the last vestige of the sovereignty of the State by placing the remainder of her militia under his control for the war, I beg to assure you that I shall not hesitate to order them to the front, and they will not shun the thickest of the fight when the enemy is to be met upon the soil of their beloved State. Nor will I withhold them from the temporary command of the Confederate General who controls the army during great emergencies when he needs their aid.

I shall, however, retain the power to withdraw them and

to furlough or disband them for a time, to look to their agricultural and other vital interests which would otherwise be ruined by neglect, whenever I see they can be spared from the military field without endangering the safety of the State. Of this the Governor of the State, at Milledgeville, where he is near the field of operations and can have frequent interviews with the Commanding General, ought to be as competent to judge as the President of the Confederacy, some hundreds of miles from the scene of action, charged with the defence of Richmond and all the other responsibilities which require his attention and divide his time.

Georgia now has upon the soil of Virginia nearly 50 regiments of as brave troops as ever met the enemy in deadly conflict, not one of which ever faltered in the hour of trial. She has many others equally gallant aiding in the defence of other States. Indeed the blood of her sons has crimsoned almost every battle-field East of the Mississippi, from the first Manassas to the fall of Atlanta. Her gallant sons who still survive are kept by the President's orders far from her soil while their homes are being overrun, their wives and children driven out before the enemy and reduced to beggary and want, and their almost idolized State exposed to temporary subjugation and ruin. Experience having shown that the Army of Tennessee, with the aid of the militia force of the State, is not able to withstand and drive back the overwhelming numbers of the army of invasion, as the Executive of Georgia in behalf of her brave sons now absent in other States, as well as of her whole people at home, I demand as an act of simple justice that such reinforcements be sent as are necessary to enable the army upon her soil to stop the progress of the enemy and dislodge and drive him back. In view of the fact that the permanent possession of Georgia by the enemy, not only ruins her people, but cuts the Confederacy, East of the Mississippi in two, and strikes a death blow at the Confederate Government itself, I trust this most reasonable request will be granted. If, however, I should be informed that the President will send no reinforcements and make no further effort to strengthen our defences, I then demand that he permit all the sons of Georgia to return to their own State, and within her own limits, to rally around her glorious flag—and as it flutters in the breeze in defiance of the foe, to strike for their wives and their children, their homes and their altars and the “green graves” of their kindred and sires; and I as their Executive promise that whoever else may be withdrawn from her defence, they will drive the enemy back to her borders, or, overwhelmed and stricken down, they will nobly perish in one last grand and glorious effort to wrest the standard of her liberties and independence from the

grasp of the oppressor and plant it immovably upon her sacred soil

I am very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, }

WAR DEPARTMENT, }

Richmond, October 8th, 1864. }

HIS EXCELLENCY J. E. BROWN,

GOVERNOR OF GEORGIA,

Milledgeville, Ga.

Sir:

Your letter of the 12th ult. reached me some days since. Its tenor and spirit have caused painful surprise. It requires forbearance in reply to maintain the respect I would pay your station, and observe the official propriety you have so transcended. I shall seek to notice only such portions as appropriately pertain to an official communication.

The Department, on the 30th of August, under the direction of the President, made a requisition upon you for the entire Militia, which had been or should be organized by you, that they might be employed to repel the "formidable invasion" of Georgia, by the enemy, and to secure her from "destructive raids." The requisition was for Militia in a state of organization. The appointment of the officers of Militia is secured by the Constitution to the State from which they are drawn, and in proposing to accept organized Militia, the officers legally appointed would necessarily accompany their commands.

The inducements to this call were several. You had in official communication, stated that you had ten thousand Militia organized, and you were known to be apparently busy in organizing others. Of these, a portion, it was known, were with the army of Tennessee in some auxiliary relation, and had rendered valuable service with that army in the defence of Georgia. Only a limited number, however, not believed to constitute half of the number reported by you to be actually organized, were so employed, and were, as has been announced by you, held there only at your pleasure, and for such time and during such operations as you might approve. The services of these gallant defenders of their State, were so appreciated, as to render it desirable that the full number organized, or to be organized, should be secured, to repel the formidable invasion threatening to overrun the State; and both to impart greater unity and efficiency to the command of them and enable the General Commanding, to rely on the period and tenure of their services, it was necessary they should be in Confederate

service, and subject, not to your judgment or disposal, but to the control of the constitutional Commander-in-Chief. It is easy to see how uncertainty as to their control or retention, must impair reliance by the Commander on these troops, and embarrass all calculations for their employment and efficiency in combined operations. An additional ground of the call was, that some of these troops had been detailed for objects not admitted by the Enrolling Officers in the State to be authorized by Confederate law, and others were claimed as primarily liable, or previously subjected to Confederate service. This had engendered controversy, and endangered collision between the local, Confederate and State authorities, which it was most desirable to anticipate and preclude.

Besides, these Militia, as far as they were serving with the Confederate army, had to be subsisted from the commissary stores of the Confederacy, and might equitably expect pay from its Treasury; but if held as State troops only, both subsistence and pay constituted a charge on the State alone.

Serious embarrassments had already arisen on these very points, and departure had been necessary from the regular obligations of the Confederate Government, which were not just to either that Government or its disbursing officers. The powers of the Confederate Government to provide for the common defence, are exercised according to laws through agencies adopted by Congress. None of these laws contemplated the fulfilment of this duty, by troops organized and held by the State in its own service, and under officers responsible only to it.

The Constitution of the Confederate States does not confer on the State, the power to keep troops in time of war. The States are prohibited from "keeping troops or ships of war in time of peace, entering into any agreement or compact with another State, or with a foreign power, or engaging in war, unless actually invaded, or in such imminent danger as will not admit of delay." The power of keeping troops in time of war, is thus reserved, and naturally includes whatever is necessary to accomplish the object of the reservation, and is limited in its scope and operation only by the Constitution of the Confederate States, "and the laws which shall be made in pursuance thereof." It does not imply any withdrawal from the Confederate Government, of those instrumentalities and agencies, that the Constitution has confided to the Government of the Confederacy for the fulfilment of the obligations it has imposed upon it.

The powers to declare war, to raise armies, to maintain a navy, to make rules for the government of the land and naval forces, to make rules concerning captures on land

and water, to protect each of the States against invasion, which are deposited with Congress, manifest the purpose of the States in forming their Constitution, to charge the Confederate Government with the burden of providing for the common defence. The clause in the Constitution relative to the militia, was framed in harmony with the same purpose. The Constitution charges Congress with the organization, equipment and discipline of the Militia, and designates the President as Commander-in-Chief of those that may be called into service.

It was evidently the design of the Constitution, and of the laws of Congress, in pursuance thereof, which are the supreme law of the land, that the President should have the discretion and the power of calling this militia into service, and having personally or through Confederate Commanders, the disposition and command of them. In a crisis of great peril, and in a case of plain invasion of your State, he has exercised this power, and made the Constitutional requirement on you. You have met it with a distinct refusal.

This is the first instance in the annals of the Confederacy of the suggestion of a doubt on the right of the President to make such call, and the obligation of compliance by the State Executive.

During the last war with Great Britain, a question of the kind was made by the Governors of Massachusetts and Connecticut with the President of the then United States. They claimed to decide whether the exigencies existed which authorized the President to make a requisition for Militia to repel invasions, and denied his power to associate them with other troops under a Federal officer. They affected to believe the exercise of such a power, imperiled State Rights, and promoted personal ambition. The judicial tribunals determined adversely to the pretensions of these Governors, and the country did not fail to discover, lurking under their specious pretences, hostility, scarcely less than criminal to the constituted authorities of the Union, an unlicensed ambition in themselves, and a dangerous purpose, in the midst of war, to cripple patriotic efforts for the public defence. The impression was not wanting, either then or since, that they were even in communication with the enemy, or at least proposed to give them encouragement and moral support.

Without imputing to you such designs, I cannot repress apprehensions of similar effects from your analogous course under the present more trying circumstances, as indeed it must be admitted in all particulars; and especially on the main point of the existence of invasion, there was more plausibility in their case than in yours, on the grounds assigned for refusal.

On analyzing your Excellency's letter, it is apparent that

the prominent and influencing reasons of your action, spring from a spirit of opposition to the Government of the Confederate States, and animosity to the Chief Magistrate whom the people of the Confederacy have honored by their choice and confidence. Your reasons may be reduced to the following :

1. That the campaign in Georgia, not having been controlled by the President, according to your conceptions, or with the means you advised, you will not permit any force you can control to be subject to his disposition; but will yourself retain their control, and mete out your assistance according to your views of policy and State interest.

2. That you suspect the President of a design, after the reception of these militia, to disorganize or disband them that he may displace the officers commanding them and substitute his partisans and favorites.

3. You apprehend that these militia, under the President's control, will be employed for such length of time, and under such condition as will be deleterious to the interests of themselves and the State, and esteem yourself a better judge on these points, especially as to when and where they shall be employed, furloughed or discharged, &c.

4. That these troops, besides being necessary as a defence against invasion, are also necessary to defend the State against usurpations of power, and as "a protection against the encroachment of centralized power," and that the knowledge of the President of their ability and disposition to do this was the motive for the call on you.

In reference to the first, it might not be safe as it would not be expedient now to expose the circumstances of the present campaign, the counsels that guided, or the resources that have been or could be commanded for its operations.

None should have known more certainly than your Excellency the zeal and energy with which the President and this Department, under his auspices, have striven to command resources and means for the defence of Georgia and the overthrow of the invader, nor the impediments and difficulties often unfortunately resulting from the obstruction of the local authorities which they had to encounter. Aware early of the danger that menaced the State, besides concentrating troops from other Departments for its defence, this Department strained all the powers vested in it for recruiting the army within the limits of Georgia, and accumulating supplies for its support. The legislation of the Congress that ended its session in February last had been comprehensive and vigorous.

Your Excellency can not have forgotten how that legislation was denounced and the efforts of the department im-

paired by the countervailing action of the Executive and local authorities of your State. To the department it can not be imputed as a fault that Georgia was invaded by "overwhelming numbers." The ten thousand militia you boast to have organized, without adding to the count, those you are proceeding to organize, if incorporated with the veteran regiments prior to the 1st of May, would have been an invaluable acquisition to the Army of Tennessee, and not improbably have hurled back the invader from the threshold of your State. That they, or a large proportion of them at least, were not ready for that service and other auxiliary means to its operations were not afforded, I am bound to think was due to the obstacles and embarrassments interposed by your Excellency and the local authorities with your countenance, to the enforcement of the acts of Congress for the recruitment and maintenance of the armies. Your Excellency may not have foreseen and realized the extent and import of the approaching invasion, but to whom, then, with most safety and wisdom (apart even from constitutional obligation,) can the disposition and command of the troops in question be committed?

In your second reason it is difficult to find anything but the ascription to the President of an unworthy design—a design that can not be accomplished without disappointing the objects which I have explained as the cause of the requisition. The disbanding of the militia organizations, after their call into service, would result in the discharge of such of the men as are not liable to service under the act of Congress of February last, and those who are liable, in such an event, would be placed in those veteran regiments raised for Confederate service in the State of Georgia prior to April, 1862, whose diminished numbers attest the fidelity, valor and suffering with which they have performed their duty. Whether, therefore, the militia be retained in their militia organization, as is contemplated; or be disbanded as you apprehend may be done, in neither event can new organizations be made or new officers appointed. Your suspicions as to the motives and designs of the President are simply chimerical.

In your third reason, your Excellency has apparently forgotten the true inquiry, where, constitutionally and legally, in all such matters, the discretion of decision is lodged, and further, that a provision adequate, in the view of Congress, against abuse has been provided in the limitation of time for which the Militia may be called out, to six months. In illustrating the danger of undue detention in Confederate service, your Excellency refers to the course pursued towards the troops for local service, enlisted by you last Fall, under a call from the Department. During the last winter, your Excellency addressed to this Department an acrimoni-

ous letter on this subject, which was replied to in a spirit of forbearance, and with a careful abstinence from the use of recriminating language.

Justice to myself demands that I should place upon the records of the department the facts to which you have again alluded in the same language of acrimonious reproach. It had been designed to raise troops for special defence and local service as the general rule throughout the State, to constitute a part of the Provisional Army, and to be subject to the call of the President when needed. You asked to supervise and control the whole matter, and unfortunately the privilege was yielded.

You abused it to form non-descript organizations, not conforming to the regulations of the Provisional Army, scant in men, and abounding in officers, with every variety of obligation for local service, generally of the most restricted character, and for the brief period of only six months. Thus it was that you were enabled to indulge the vain boast of raising some sixteen thousand men for the defence of the State, while in fact, scarce a decent division of four thousand men could be mustered for the field, and those only for six months service. From the time they were passed to Confederate service there was pressing necessity for their presence in the field, for Georgia was not only menaced, but actually invaded, and the number was too limited to allow substitution or furlough. Apart from this, you persistently claimed that they should be held and regarded as Militia. In that view, they could not, if dismissed, be recalled on emergency as local troops, and this naturally induced their detention for the full period of their limited term of service.

To your last reason I refrain from replying, as its character would justify. I cannot think the significance of the language quoted has been duly appreciated by your Excellency. I prefer to consider them as inconsiderate utterances rather than the foreshadowing of a guilty purpose to array your State in armed antagonism against the Confederacy, and so to betray, the cause of herself and sister States.

Such purpose I know would be scorned and rebuked by her heroic soldiery and loyal people, and it will not, while it be possible to avoid it, be ascribed by me to one whose official station makes him their recognized organ. I must, however, gravely regret that the spirit of your Excellency's past action and public expressions, has caused grievous misconceptions in relation to the feelings and purposes of yourself, and perhaps of others of influence in your State, in the convictions of our enemies to their encouragement, and the mortification of many patriotic citizens of the Confederacy.

Our enemies appear to have conceived you were even

prepared to entertain overtures of separate accommodation, and that your State, so justly proud of its faith, valor and renown, could be seduced or betrayed to treachery and desertion. So painful a manifestation of the hopes inspired by your indulgence of resentments and suspicions against the Confederate Administration will, it is hoped, awaken to consideration and a change of future action. To the Department it would be far more grateful instead of being engaged in reminding of constitutional obligations and repelling unjust imputations, to be co-operating with your Excellency in a spirit of unity and confidence, in the defence of your State and the overthrow of the invader.

Very respectfully, your obedient servant,

JAMES A. SEDDON,

Secretary of War.

EXECUTIVE DEPARTMENT, }

MILLEDGEVILLE, GEO., }

November 14th, 1864. }

HON. JAMES A. SEDDON,

SECRETARY OF WAR.

Sir: Official engagements have prevented earlier attention to your letter of 8th ult., which reached me on the 20th.

You are pleased to characterize a portion of my letter as acrimonious, and claim that I have transcended the bounds of official propriety, and seem to desire me to understand that you labor under difficulties in restraining yourself within the bounds of forbearance in your reply. As the acrimony of my letter consisted in a simple narrative of truths, communicated in a plain, straight-forward manner, calling things by their right name, I feel that I am due you no apology. Of course no personal disrespect was intended. I am dealing, not with individuals, but with great principles, and with the conduct of an administration of the Government, of which your Department is but one branch. And if you will not consider the remark acrimonious, I will add that the people of my State, not being dependent and never intending to be, upon that Government for the privilege of exercising their natural and Constitutional rights, nor the Executive of the State for his official existence, I shall on all occasions feel at liberty to exercise perfect independence in the discharge of my official obligations, with no other restraints than those thrown around me by a sense of duty, and the Constitution of my country, and the laws of my State.

You remark that this is the first instance in the annals of

the Confederacy of the suggestion of a doubt on the right of the President to make such a call, and the obligation of compliance by the State Executive. Doubtless you are right, as this is unquestionably the first instance in the annals of either the old or new Confederacy of *such a call*, made by the President. It presents the isolated case of an attempt, by the President, to single out a particular State, and, by grasping into his own hands its whole military strength, to divest it of its last vestige of power to maintain its sovereignty; not only denying to it the right plainly reserved in the Constitution, to keep troops in time of war when actually invaded, but claiming the power to deprive it of its whole militia and leave it not a man to aid in the execution of its laws, or to suppress servile insurrection in its midst.

The President demands that Georgia shall turn over to him, and relinquish her command and control over every militiaman now organized by her Executive, and all he *may be able* to organize. The militia is composed mainly of a class of men and boys, between ages not subject by the laws of Congress or of the State to serve in the Confederate armies. The President calls for all the State has of the above description. As no *such* requisition was ever before made upon any State, and it probably never entered into the mind of any Statesman that *such a call* ever would be made, it never became necessary to question the right to make it.

You cite the case of the refusal of the Governors of Massachusetts and Connecticut, during the last war with Great Britain, to furnish troops for the common defense upon the requisition of the President of the United States, and say it must be admitted that my course is *analogous* to theirs "in all particulars," and that there was more plausibility in their case than in mine, on the grounds assigned for refusal. Let us test this statement by the standard of truth. You say the cases are *analogous* "in all particulars." I deny that they are *analogous* in any particular. To show the character of that call, I quote the language of President Monroe:

"It will be recollected that when a call was made on the Militia of that State, for service in the late war, under an arrangement which was *alike applicable to the Militia of all the States*, and in conformity with the acts of Congress, the Executive of Massachusetts refused to comply with the call." That, then, was a call under an arrangement *alike applicable to the Militia of all the States*. This is not a call made under an arrangement *alike applicable to the Militia of all the States*, or indeed of *any* of the other States. This is a call for all the Militia which the Executive of Georgia has organized of *may be able* to organize. No *such call* was made by the President upon the Militia of any other State. The analogy

fails then at the very first step. But let us trace it a little further. That was a call for men within the age required to do military service in the armies of the United States. This is a call for men who are exempt by act of Congress from all service in the Confederate armies, and of whom it is expressly declared, by an act of the Legislature of Georgia, that they shall not be "liable to any draft or other compulsory process to *fill any requisition* for troops upon the Governor of the State by the President of the Confederate States." That was a call which the President could legally make, and which the Governors had lawful authority to fill. This is a call which the President had no lawful right to make, and which the Governor could not fill without violating a positive statute of his State. That was a call for active Militia who were not in service, but were at home attending to their ordinary pursuits. This is a call for reserve Militia, who, at the time it was made and were, for months past, had been in actual service—most of the time in the trenches around Atlanta, under the constant fire of the guns of the enemy. In that case, the Governors of Massachusetts and Connecticut refused to place the Militia of those States under the command of a Federal General. In this case, the Militia had already been placed by the Governor of Georgia under the command of a Confederate General, where they were on the very day the call was made, and had been for some months previous.

In that case, the Governors of those States adjudged that no emergency existed to justify the call for the Militia, after the President had decided that it did, and they refused to order them into the field. In this case, the Governor of Georgia admitted that the emergency did exist, and had ordered them in months before the President saw the emergency, and called for the services of the Militia. In that case, the President was making an honest effort to get the Militia of Massachusetts and Connecticut into service, to aid in repelling any assaults that might be made by the enemy. In this case, the President, after the reserve Militia of Georgia had been called out by the Governor and put into active service, was using his official influence, as shown by General Orders Nos. 63 and 67, issued by his Adjutant General, to get the Militia of Georgia out of service, where they were confronting the enemy and shedding their blood in the defence of their State.

When they were in the trenches under the fire of the enemy, the President held out, as a reward for their delinquency in case of their desertion from the State Militia and return home, a guaranty of the privilege of remaining there in local companies, to be called out only in emergencies, to defend their own counties and vicinages.

I append to this letter paragraph 1, General Orders No.

63, and a paragraph of General Order No. 67, by reference to which it will be seen that *all detailed* men were *required*, and *all exempts* from Confederate service invited to enroll themselves in local companies at home, with promise that they should be called out only in emergencies, to defend the Counties of their residence and contiguous counties.

The present Militia of Georgia are composed of *exempts* from Confederate service and such *detailed* men as are not in the military service of the Confederate States. The Militia of the State, *then* at the front, was composed of men of these classes only. The order was addressed to *all* men of both classes. The President denied the right of the Governor of Georgia to call out the detailed men for service, and would, if consistent, stand ready to protect them in case they would desert the Militia service and return home and join his local companies. Thus the strong temptation of remaining at home was held out by the President to these men, if they would ingloriously abandon Atlanta, when beleaguered by the enemy, and, after desertion from the Militia, enlist in Confederate service, which would give the President the entire command of them and enable him to destroy the Militia organization of the State. Fortunately the temptation succeeded in seducing but a small portion of the Militia to desert and return home. They were generally true men and stood gallantly by their colors, knowing that their country needed their services at the front and not in local companies in the rear. General Order No. 63 was issued on the 6th of August and was followed by General Order No. 67 on the 16th of the same month. The President then waited two weeks, and as the Militia still remained in the trenches around Atlanta, he found it necessary to change his policy and resort to a requisition upon me for the whole Militia of the State, as the only means left of accomplishing his objects.

President Madison offered no such inducements to, and made no such requisition upon the Militia of Massachusetts and Connecticut. So much for the analogy of the two cases. But you are as unfortunate in your facts as in your analogy, as will be further seen by your statement that the "judicial tribunals determined adversely to the pretensions of the Governors." By reference to the 8th volume Massachusetts Reports, Supplement, page 549, you will find that the Judges of the Supreme Court of that State had the case before them, and determined every point made by Governor Strong in his favor, and "adversely to the pretensions" of the President.

But you remind me, that the 10,000 Militia, which you say I had organized, with those I was proceeding to organize, if incorporated with the veteran regiments, prior to the first of May, would have been an invaluable acquisition to

the army of Tennessee and not improbably have hurled back the invaders from the threshold of my State. If this were true and the movements and strength of the enemy were so much better understood by the President than by myself, as you would have the country believe, why was it that the President made no call for the Militia in May, when the armies were above Dalton? Why was the call delayed till the 30th of August, two days before Atlanta fell, and then mailed to me too late to reach Milledgeville till after the fall? If the control of the whole Militia of the State, by the President, was so essential to the defence of Atlanta, how do you account for the neglect of the President to call for them till after the campaign had ended, in the surrender of the city to the enemy?

Seeing that the President did not seem to appreciate the emergency, and the danger to Atlanta, upon consultation with that far-seeing General and distinguished soldier, Joseph E. Johnston, I had ordered the Militia to report to him and aid the gallant army of Tennessee. I first ordered out the civil and military officers of the State, when the armies were near Dalton, and afterwards called out the reserved Militia, including all between sixteen and fifty-five years of age, when they were at Kennesaw. During all this time, and for nearly two months afterward, no call was made by the President for their services. If the statements you now make are correct, surely such neglect by the President in so critical an emergency, involves little less than criminality.

Again, you state, as one of the inducements to the call, that I had stated in official correspondence, that I had *ten thousand Militia* organized—that a portion of these were known to be with the army of Tennessee in some auxiliary relation—only a limited number, however, not belived to constitute half the number reported by me to be actually organized.

You are again incorrect in your facts, and unfortunately ignorant of the strength of the force that was under your command.

In the official correspondence to which I suppose you allude, I did not state that I had organized *ten thousand Militia*. The language used, was, “nearly ten thousand armed men.” At that time, the two regiments of the State Line, who are regular troops for the war, numbered nearly fifteen hundred. They too, were placed under the Confederate Commander, and nearly five hundred of them, while under his command, have been disabled or lost upon the battle-field. But if I had made the statement as you incorrectly charge, it would have been true.

The tri-monthly report, forwarded by Maj. Gen. G. W. Smith, who commands the Division of State Militia, to Gen-

eral Hood, dated 10th September, 1864, but a few days after the fall of Atlanta, showed upon the muster rolls of his Division, nine thousand one hundred and seventy men. This report did not include the regiment of Fulton County Militia, which had been detached for local service in the city, under the command of Brig. Gen. M. J. Wright, of the Confederate army; nor the regiment of Troup County Militia, which was stationed, by the Commanding General, at West Point, under Brig. Gen. Tyler, of the Confederate army. Nor did it include the two regiments of the State Line, which had been ordered into other Divisions of the Army of Tennessee. Nor did it include the Battalion of Cadets, of the Georgia Military Institute, who did gallant service in the trenches of Atlanta. Nor did it embrace the names of the gallant dead of this Division, who never turned their backs to the enemy, but fell upon the battle-field or died in the hospital. These had rendered the last service in the power of the patriot to their country before the President saw the necessity which induced him to call for them, and as they slept at the date of his call in the soldier's grave, they were unfortunately unable to respond. But if you say that the whole ten thousand were not in the trenches with muskets in their hands, I reply, that while many were sick and some absent without leave, a larger proportion of the number upon the muster rolls were there than of probably any other Division in General Hood's army. And judging from the late speech of the President in Macon, a much larger number than the usual average in the armies of the Confederacy.

As I understand your letter, you deny that it was the purpose of the President to disband or disorganize the Militia, and say he intended to take the organization, with all its officers, and maintain it. I do not pretend to quote your language, but state what I understand to be the substance. Unfortunately your own record contradicts you. In the requisition made by you, occurs this sentence: "Those within the limits of General Hood's Department, will report to him; those outside, to the Commandant of the Department of South Carolina and Georgia." The line between these Departments cuts in two Gen. Smith's Division, and probably three of the four brigades of which it is composed, and the requisition orders, that part of this Division, and those brigades on one side of it, to report to General Hood, then at Atlanta, and that part on the other side to the Commandant whose headquarters were at Charleston. But this was not all, it amounted to an order in advance, if I responded to the call, to a large proportion of the Militia then under arms, to leave Atlanta in the very crisis of her fate, and return home and report to General Jones, whose headquarters were at Charleston. This would not only have permanently divided and disbanded the militia organization, as it

existed under the laws of the State, but would have aided the President in carrying out his policy already referred to, of withdrawing the Militia from Atlanta before its fall, and compelling armed men, then aiding in its defence, to leave and report to a Commandant upon the coast, where there was no attack anticipated from the enemy. So determined was the President to accomplish both these objects, that he did not pretend to conceal his purpose, but incorporated it into the requisition itself.

Past experience has also shown that the President will surmount all obstacles to secure to himself the appointment of the officers who are to command troops under his control. Soon after the commencement of the war, Georgia tendered to him an excellent brigade of her most gallant sons, fully armed, accoutred and equipped, with two months training in camp of instruction. He refused to accept it as it was, but disbanded it, and refusing to recognize the Commanding General (though every officer, I believe, in the brigade, from the highest to the lowest, petitioned to have him retained,) scattered the regiments into other Brigades. The twelve months men entered the service with officers elected by them, and he accepted them with their officers. The Constitution of the Confederate States, as I have heretofore most conclusively shown, and as the Legislature of the State has resolved, as well as the laws of the State, authorise them to elect officers to fill all vacancies that occur. The President has disregarded this right, and claims and exercises the right to appoint all such officers for them. His past course, as well as the plain language of the requisition, shows that you misrepresent the President when you deny that it was his purpose in making the requisition to disband the Militia; and I am satisfied that I do him no injustice, in supposing that it was his intention, after they were disbanded, to appoint his own partisans and favorites to command them.

Reference is made in your letter, to the act of Congress, to show that the President could only hold the Militia six months under a call upon the Governor, for their services. You seem to forget that many of those then in service, for whom he called had already served nearly four months. And you seem to suppose that I will be unmindful how easy it would be at the end of six months for the President simply to renew the call for another six months, and continue this to the end of the war, and in this way keep the old men and boys of Georgia constantly in service, to the destruction of all her agricultural and other material interest, while no such requirement is made of any other State. But if this were not possible by these repeated calls, what guaranty have they under the act of Congress and the promise of the President, that they would be disbanded at the end of six

months? The original twelve months men entered the service under the like protection, as they supposed, of an act of Congress, and a solemn contract with the President that they should be discharged at the end of their time. But before the time expired the President procured another act of Congress, which changed the law on that subject, and he then refused to be bound by his contract, and those of them who survive are yet in service near the end of the fourth year. Even the furloughs promised them were not allowed. And ministers of religion who made a contract with the Government to serve for one year, and others who agreed to serve three years in the ranks, are held after the expiration of their time, when they would be embraced in the exemption act, which protects those at home, if the Government had kept its faith and discharged them according to the contract.

In this connection I must also notice your remarks in reference to the six months' men of last fall, in this State. And as every material statement you now make upon that subject is contradicted by the records of your Department—made up over your own signature, the task is an unpleasant one.

You say "it had been designed to raise troops for special defense and local service FOR THE WAR with the obligation of service as the *general rule throughout the State*, to constitute a part of the provisional army, and to be subject to the call of the President when needed." If this statement means anything, it is intended to mean that the call was made on me for the troops to serve *for the war*, with obligation as the *general rule*, to do service *throughout the State*. That is what you now say. What did you then say? I quote from your requisition of 6th June, 1863.

"The President has therefore determined to make a requisition on the Governors of the several States, to furnish by an appointed time, for service within the State, and for the *limited period of six months*, a number of men," etc. Again, in the same requisition you say, "I am instructed by the President, in his name, to make on you a requisition for eight thousand men, to be furnished by your State, for the period of SIX MONTHS from the *first day of August next*, unless in the intermediate time, a volunteer force organized under the law for *local defense and special service*, of at least an equal number, be mustered and reported as subject to his call for service, within your State."

This does not look much as if the call was made for troops FOR THE WAR! Was it for troops to serve as the *general rule throughout the State*? I quote from the same document. You say, "it becomes essential, that the reserves of our population, capable of bearing arms, etc., be relied on for employment in the *local defense of important cities*, and in re-

elling, in emergencies the sudden or transient incursions of the enemy." Again, "local organizations or enlistments by volunteering for *limited periods* and *special purposes*, if they can be induced, would afford more assurance of prompt and efficient action." You then refer to the two acts of Congress for local defense and special service, and enclose copies of them and call my attention to them. And you proceed to say, "under the former of these, if organizations could be effected, with the *limitations prescribed in their muster rolls*, of service *only at home* or at *specified points* of importance within the particular State, they would be admirably adapted to obtain the desired end." In speaking of the inducements to be held out to those who will form volunteer companies under the act of Congress you speak of them as "organizations for *special service* within the State, under officers of their own selection, and with the privilege of *remaining at home*, in the pursuit of their *ordinary avocations*, unless when called for a *temporary exigency* to active duty." In reference to the service to be performed by these organizations, you then use this language :

"Without the general disturbance of a call on the militia, the organizations *nearest to the points of attack*. would always be readily summoned to *meet the emergency*, and the population *resident in cities and their vicinities* would, without serious interruption to their *business or domestic engagements*, stand organized and prepared to man their entrenchments and defend, under the most animating incitements, their property and homes."

You remark again, "After the most active and least needed portion of the reserves were embodied under the former law, the latter would allow *smaller organizations* with *more limited range of service*, for objects of police and the pressing contingencies of *neighborhood defense*. Could these laws be generally acted on, it is believed, as full organizations of the reserve population would be secured for *casual needs*, as would be practicable."

There is not a word in any of this, about service as the *general rule throughout the State*. But every expression looks to *local and limited services* in sudden emergencies, such as the sudden incursions of the enemy, and to the defense of their own homes, and the entrenchments around them, by those who live in cities, "to neighborhood defense," "casual raids," etc., with the clear promise to all, that so soon as such emergency had passed, they should be permitted to return home and attend to their "ordinary avocations," their "business or domestic engagements," etc. The troops recollect how this promise was kept.

But you charge that I had formed nondescript organizations not conforming to the regulations of the Provisional army, scant in men and abounding in officers, with every

variety of obligation for local service, generally of the most restricted character; and for the *brief period* of only *six months*.

Each organization formed by me was in conformity to the statutes, copies of which you enclosed as the guide for my action, and for the exact time designated in your requisition over your own signature. Each had the number of men specified in the statutes, and no one of them had a supernumerary officer, with my consent, or so far as I know or believe. The requisition expressly authorized me to accept troops for local defense, of the most restricted character, with "the limitations prescribed in their muster rolls, of service *only at home* or at *specified points* of importance." But while you expressly authorized this I refused to do it, except in case of companies of mechanics and other workmen in cities—the operatives in factories, and the employees of rail roads, etc., when the nature of their avocations made it actually necessary. In all other cases I refused to accept the companies when tendered, if their *muster rolls* did not cover and bind them to defend, at least one-fourth of the whole territory of the State. Many of them covered the whole territory of the State with the conditions of their muster rolls. Some complaints were made at my course, because I required more than was required by either the acts of Congress, or the requisition of the Secretary of War.

Another charge is, that when called out "scarce a decent division of four thousand men could be mustered for the field, and then *only for six months*." Your obliviousness of facts, as well as of records, is indeed remarkable. Only those whose *muster rolls* embraced Atlanta and the territory between it and the Tennessee line were called out till near the end of the period for which all were enlisted, and you got a division of many more than four thousand within that boundary.

The others, over twelve thousand, were at home, engaged in their "ordinary avocations," ready to respond to your call in case of an "emergency," or "sudden incursion of the enemy." But you never called for any of them till a short time before the end of the term of their enlistment. Those you then called out you never even armed, and it was believed by them that they were only assembled for the convenience of the conscript officers, to save them the trouble of searching through the country to see if any among them were subject to conscription. Nobody pretended that there was any "emergency," or "sudden incursion of the enemy" at the time of the last call, in the sections of the State they had agreed to defend. I have gone thus fully into this record for the purpose of showing the palpable injustice which you attempt to do me, and of exposing the flimsy pretext under which you seek to defend the bad faith which was exercised by the Government towards the gallant

men who, by their prompt response, more than doubly filled your requisition in its letter and spirit.

As a last means of escape you say I persistently claimed that they should be held and regarded as militia. "In that case they could not, if dismissed, be recalled on emergency as local troops, and this naturally induced their detention for the full period of their limited term of service." I should have been greatly obliged if you had given a reason why Militia, mustered into service for the period of *six months*, with the express promise that they should be permitted to remain at home in the pursuit of their "ordinary avocations," except in "emergencies" or to meet "sudden and transient incursions of the enemy," could not receive furloughs and return home between "emergencies" or "sudden and transient incursions of the enemy," and reassemble on the recurrence of the emergency. Why could not the same men, living in the same district, united for the same purpose, to defend the same territory against "sudden and transient incursions of the enemy," have received furloughs to return home and attend to the pursuit of their "ordinary avocations," if called Militia and commanded by officers appointed as the Constitution provides, by the States, as well as if called local companies, and commanded by officers appointed by the President? What strange magic is there about the President's commission which would enable men, organized for service under officers holding it, to receive furloughs when not needed for service, which the same men, organized for the same service, could not get if their officers received their commissions in the constitutional mode from the State? If the same companies, composed of the same officers and men, may be temporarily dismissed when not needed for the service they have engaged to render, when called by the name "local companies," why may this not be done when they are called by the name Militia?

As no reason can exist for the distinction you attempt to draw as a justification of the President's conduct, none was assigned by you. It is simply absurd to say, that the militia cannot be furloughed and sent home when not needed, to be re-called when needed. But for the interruption of our militia organization, which grew out of the Conscrip Act of February last, instead of ten thousand, I could have sent nearer thirty thousand to Atlanta, to aid in its defense.

The Legislature, unfortunately for Georgia, turned over to the President's control, that part of the organized militia within the ages specified in the act of Congress, and when the hour of peril came, out of all the large number embraced in the act of Congress, and turned over to his control by the resolution of the Legislature, he had not a single one at the front with a musket in his hands, to aid in the defense of the State. Of all the Confederate reserves,

to which the State was told she might safely look for defense, not a man with a musket in his hands was at the front during the whole march of the Federal army from Dalton till its triumphant entrance into Atlanta. And if action had been delayed until the President called, as shown by the date of his call, not a man of all the reserve militia of the State would have been there. The Confederate reserves organized were not sufficiently numerous to guard the unarmed Federal prisoners in the State, and I had to furnish, when their services were much needed at the front, a battalion of militia to aid them.

The interruption by the State authorities, to which you refer, is entirely imaginary. After the decision of the Legislature, your officers were left perfectly free to execute the law of Congress in all its rigor. But if it were real, surely the President, with the aid of his large force of officers in this State, should have been able to get somebody to the front. A single man with a good musket might have rendered some assistance. Or if this, by reason of inefficiency, could not be done, if he had ordered his corps of conscript officers there, as I ordered the State officers, they were sufficiently numerous to have done essential service. For even this favor, at that critical period, the people of Georgia would have been under great obligations to him.

I must not forget another ground of the call, as you term it, which was that some of these troops (the ten thousand organized militia) had been detailed for objects not admitted by enrolling officers in the State to be authorized by Confederate law, and others were claimed as primarily liable, or previously subject to Confederate service. This, you say, had "engendered controversy," which it was most desirable to "anticipate and preclude." As Confederate enrolling officers had denied the right of the State to make details, and had claimed certain men whom the Governor held as part of the militia of the State, and as the Governor did not at once yield to the pretensions of those Confederate officers, but was disposed to contend for the rights of the State, the President, unwilling to allow the controversy, determined to relieve the State of her *whole* militia, by making requisition for it, and taking it *all* into his own hands, which would "anticipate and preclude" any further controversy; as the State, having no militia left, need have no further controversy about her right to any particular individuals as part of it.

This new discovery of the President of the mode of settling a controverted right, and the magnanimity and statesmanship displayed by him in this affair, cannot be too highly appreciated. By imitating his example in future, the stronger party can always make a speedy settlement with the weaker, without allowing any unpleasant controversy about rights.

Your assertion, that my past action and public expressions have given encouragement to our enemies, to the mortification of many patriotic citizens of the Confederacy, may be properly disposed of by the single remark, that if we may judge of the encouragement of our enemies by the general expression of their public journals, the President gave them more delight, hope and encouragement, by his single speech at Macon, than all the past acts and public expressions of my life could have done, had I labored constantly to aid and encourage them. He who can satisfy the enemy that two-thirds of the men who compose our gallant armies are absent from their posts, affords them delight and encouragement indeed, as they will no longer doubt, if this be true, that the spirit of our people is broken, and that our brave defenders can no longer be relied on to sustain our cause in the field. All remember the mortification which this speech of the President caused to the patriotic citizens of the Confederacy. If it had been true, surely it should not have been publicly proclaimed by the President. But I am satisfied it was not true, and that, in making the statement, the President did grievous injustice to the brave men who compose our gallant, self-sacrificing armies.

It has also been agreeable to you to speak of my action as springing from a spirit of *opposition to the Confederate Government*, and animosity to the Chief Magistrate. I have but a word of reply to this unjust and ungenerous attack. Some men are unable to distinguish between opposition to a government and unwillingness blindly to endorse all the errors of an administration, or to discriminate between loyalty to a cause and loyalty to their master. My loyalty is only due to my country; you can bestow yours where your *interest* or inclinations may prompt.

I do not consider that the point you attempt to make about the pay and subsistence of the militia, while under the Confederate General commanding the Department, has in it even a show of plausibility. They were accepted by him for the time as an organization, and, while under his control, he has the absolute command of them, and the Governor of the State does not exercise the slightest control over them. What possible pretext for saying that he may not order this division subsisted and payed as well as any other division under his command? There is just as much reason for saying that a division of Georgians under Gen. Lee should not be subsisted and paid by the Confederacy, while under his command, as that this division under Gen. Hood should not be subsisted and paid while he commanded them. The truth at the bottom of all this is so visible, that it cannot be concealed even by an attempt to muddy the water.

I find the statement emphasized by you, that the Con-

stitution of the Confederate States does not *confer* on the States the power to keep troops in time of war. As the States were sovereign and possessed all power when they formed the Constitution which gave life to the Confederate Government, neither that Government nor the Constitution could *confer* any power on the States. They *retained* all that they did not *confer* upon it. But admit your statement, and what follows? You were obliged to admit in the next sentence, that the States did *reserve* that power. Having reserved it, they are certainly authorized to *exercise* it. As you admit, they not only reserved the power, but the reservation naturally includes whatever is necessary to accomplish the object of it. But you then attempt to explain it away, by denying that the reservation means anything, and, in effect, contend that the Confederate Government may take from the State the last one of the troops which she has reserved the power to keep, without violating the reserved rights of the State. In other words, the State has plainly reserved the right to keep troops in time of war, when actually invaded. But this right, you, in effect, say, is subordinate to the will of the President, who may take the last one of them from her whenever he chooses to do so.

According to your mode of reasoning, if a State or an individual delegates certain powers to an agent, and reserves certain other powers, the reserved powers are limited by, and subordinate to the delegated powers, and may be entirely destroyed by them when, in the opinion of the agent, this is necessary to enable him to execute, to their fullest extent, the delegated powers. In other words, the reserved powers are to be construed *strictly*, and the delegated powers liberally, and the reserved are to yield to the delegated whenever there is apparent conflict. I confess I had not understood this to be the doctrine of the State Rights or Jeffersonian school. I had been taught that the delegated powers are to be construed *strictly*, and in case of a delegation of powers with certain reservations, that the delegated powers are limited and controlled by the reserved powers. This well-established rule is repudiated by you, when it conflicts with the purposes of the Confederate administration, and you claim that the power reserved by the States to keep troops in time of war, when actually invaded, simply means that they may keep them till the Confederate Executive chooses to call for and take the last one of them out of their control.

To justify all this, you are driven to the usual plea of necessity. You say it was necessary that the whole militia of Georgia should be in Confederate service, and subject, not to my judgment or disposal, but to the control of the constitutional Commander-in-Chief.

I deny that the President is, or ever can be, without the

consent of the State, the constitutional Commander-in-Chief of the *whole* militia of the State. When we take the whole context together, the Constitution is plain upon this point. He is declared to be the Commander-in-Chief of the Army and Navy of the Confederate States, and of the militia of the several States, *when called into the actual service* of the Confederate States.

Congress has power to provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections and repel invasions.

Congress has power to provide for organizing, arming and disciplining the militia, and for governing *such part* of them as may be employed in the service of the Confederate States. Then comes the qualification. The States reserve the right to keep troops in time of war, when actually invaded. If she is not invaded, under provision made by Congress, they may be called forth, if the emergency requires it. If she is invaded, she may *keep* such part of them as she thinks proper, under her reserved right, and they cannot be taken without her consent. The whole case is in a nutshell. Congress may provide for calling forth the militia, and for governing *such part* of them as are employed in the service of the Confederate States. The President is, for the time, Commander-in-Chief of all who are so *employed*. And all may be so *employed*, except such as the State determines to *keep*, by virtue of her reserved right in time of war, when actually invaded. These Congress has no right to call forth, and no right to provide for governing; and of these the President is not the constitutional Commander-in-Chief, but the Governor of the State is, so long as the State *keeps* them, and she has an unquestionable right to *keep* them as long as the invasion of her territory lasts.

This I understand to be the constitutional right of the State of Georgia. By this, as her Executive, I stand, and regard with perfect indifference all assaults upon either my loyalty or motives by those who deny this right, or seek to wrest it from her, to increase their own power or gratify their own ambition.

A word as to the use I shall make of this militia, and of all the troops at the command of the State. No sentence in my former letter is an "inconsiderate utterance." No word in it justifies the construction, that I will array my State in "armed antagonism against the Confederacy." On the contrary, I will use the troops to support and maintain all the just rights and constitutional powers of the Confederacy, to the fullest extent. No State is truer to the *Confederacy* than Georgia; and none will make greater sacrifices to maintain its rights, its just powers and its independence. The sacrifices of her people at home, and the blood of her sons upon the battle field, have abundantly

established this truth. But while I will employ all the force at my command to maintain all the constitutional rights of the Confederacy and of my State, I shall not hesitate to use the same force to protect the same rights against external assaults and internal usurpations. Those who imagine themselves to be the Confederacy, and consider only loyalty to themselves as loyalty to it, and who recognize in neither the people nor the States any rights which conflict with their purposes or future designs, doubtless see in this the "foreshadowing of a guilty purpose." It is, to say the least of it, a fixed purpose.

It is not only my right, but my duty, to uphold the constitutional rights and liberties of the people of Georgia, by force, if necessary, against usurpations and abuses of power by the Central Government. The militia is, under the Constitution, one of the proper instrumentalities for that purpose. There is scarcely a single provision in the Constitution, for the protection of life, liberty or property in Georgia, that has not been and is not now constantly violated by the Confederate Government, through its officers and agents.

It has been but a short time since one of the stores of the State of Georgia, containing property, in the peaceable possession of the State, was forcibly entered by a confederate officer, and the property taken therefrom by force. I had no militia present at the time to repel this invasion of the rights of the sovereign State, but should have had them there soon if the property had not been restored.

A single Confederate Provost Marshal, in Georgia, admits that thirty citizens and soldiers have been shot by his guard, without his right to shoot citizens being questioned till within the last few days, when he was greatly enraged that a true bill for murder should have been found by a grand jury against one of them for shooting down a citizen in the streets, who offended him by questioning his authority over him. Every citizen in the State, both man and woman, is arrested in the cars, streets and highways, who presumes to travel without a pass. They are arrested without law, and imprisoned at pleasure of Government officials. The houses, lands and effects of the people of Georgia are daily seized and appropriated to the use of the Government or its agents, without the shadow of law; without just compensation, and in defiance of the decision of the Supreme Judicial Tribune of the State; and her officers of justice are openly resisted by the officers of the Confederate States. The property of the families of soldiers, now under arms to sustain the Confederacy, is forcibly taken from them without hesitation, and appropriated. in many cases, without compensation.

In this state of things, the militia are necessary to uphold

the civil tribunals of the State, and will be used for that purpose whenever the proper call is made by the proper authorities.

No military authority, State or Confederate, can be lawfully used for any other purpose than to uphold the civil authorities, and so much of it as the Constitution of my country has confided to my hands shall be used for that purpose, whether civil society, its Constitution and laws shall be invaded from without or from within. Measured by your standard, this is doubtless disloyalty. Tested by mine, it is a high duty to my country.

Respectfully, etc,

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, }
WAR DEPARTMENT, Richmond, Va., December 13, 1864. }
HIS EXCELLENCY JOS. E. BROWN,

GOVERNOR OF GEORGIA,

Macon Ga.:

Sir—Your letter of the 14th ult. has been received. In accordance with the rule I have prescribed to myself in my correspondence with you, I shall avoid all notice of the observations in your letter which do not in my opinion form matter proper for official communication; and therefore much of your letter will have no response.

An Act of Congress of the 27th of February, 1861, provided: "That to enable the Government of the Confederate States to maintain its jurisdiction over all questions of peace and war, and to provide for the public defence, the President be, and he is hereby authorized and directed to assume control of all military operations in every State, having reference to or connection with questions between said States, or any of them, and powers foreign to them." On the 6th March of the same year they empowered the President "to employ the militia, military and naval forces of the Confederate States to repel invasion, maintain the rightful possession of the Confederate States in every portion of the territory belonging to each State, and to secure the public tranquility and independence against threatened invasion." These Acts of Congress do not exceed the competency of that body under the Constitution. They confer plenary powers upon the President to employ all the military power of the Confederate States to meet the extraordinary emergencies that might arise, and which were then foreshadowed. You do not deny the existence of the emergency anticipated and provided for by Congress. You simply contend that you should employ the militia instead

of the President. That you should conduct *some* military operations, rather than the President, and that Congress judged unwisely in confiding power to him, rather than to yourself. In my judgment, these Acts of Congress bind you, both as a citizen and an officer, and you owe prompt, cordial and unhesitating obedience to them.

In stating the parallel case of the conduct of the refractory Governors of Massachusetts and Connecticut in the war with Great Britain, during the administration of Mr. Madison, I was aware that the former had the support of the opinion of the Judges of that State, as contained in a letter addressed to him, and as cited by you. They had also the support of their State Legislatures, and of the resolves of the Hartford Convention, composed of delegates from those and other States. The authority of these different public officers and agencies support your Excellency; but the judicial opinions of the Supreme Court of New York, and of the Supreme Court of the United States, as rendered in the line of their duty in cases before them, and the general sentiment of the people, and the uniform action of the authorities of loyal States, afford no such support.

Maj. Gen. Cobb informs the Department that he has made a satisfactory adjustment of this difficulty, and I dismiss the subject without further remark.

In the summer of 1863, it became apparent that unless the population of the different States who were not embraced in the Acts of Congress of the 16th April and 27th September, 1862, providing for the public defence, usually termed Conscription Acts, were organized for service, that the country would be exposed to frequent and injurious incursions from the enemy, by which it would be devastated before the means of defence could be carried to the place of invasion. A proposal for the organization was prepared and communicated to the Governors of all the States. This plan was to organize all the non-conscript population in companies under the Acts of Congress to provide for the local defence or special service. These Acts provided only for voluntary enlistments, and an alternative, or rather an auxiliary proposition, was presented to facilitate the accomplishment of this leading and prominent object.

I addressed you on the 6th of June, 1863, a letter on the subject, a telegram on the 12th, and a second letter on the 19th of the same month. The General Orders of the Department, embodying its views as to the nature of these volunteer organizations, and disclosing the details of the measure, were published by the Adjutant and Inspector General, the 22d June, 1863. These orders required that those companies should be formed for service during the war; that they were not to be called into service except in cases of emergency; that they were not to be employed

beyond the limits of the State; that when the emergency terminated they were to be dismissed to their homes; that service in those companies would excuse from service as militia; that those companies were preferred to militia organizations; that they were to be armed by the Confederate States as far as necessary, and were to be paid by them while in service. A copy of this order is enclosed.

These views were disclosed in the letters I have before referred to. The extracts you have made from them to defend your conduct, do not represent the views of the Department fairly.

In my letter of the 6th of June, I state the necessity for organization of the non-conscript population; the many and grave objections to the use of the militia; the superiority of the system of defence proposed by voluntary organizations for home defence, and the motives that might be addressed to the people to adopt that mode of defence. I state in that letter that: "For this (the organization) the legislation of Congress has made a full provision by two laws, one entitled An Act to Provide for Local Defence and Special Service, approved August 21st, 1861; the other entitled An Act to authorize the Formation of Volunteer Companies for Local Defence, approved October 13th, 1862; to which your attention is invited, and of which, as they are brief, copies are appended. Under the former of these, if organizations could be effected with the limitations presented in the muster rolls of service only at home, or at specified points of importance within the particular State, they would be admirably adapted to obtain the desired ends, of calling out those best qualified for the service; of employing them only when and so long as they might be needed; of having them animated with *esprit du corps*; reliant on each other and their selected officers, and of thus securing the largest measure of activity and efficiency, perhaps, attainable from other than permanent soldiers. After the most active and least needed portion of the reserves were embodied under the former law, the latter would allow smaller organizations with more limited range of service, for objects of police and the pressing contingencies of neighborhood defence. Could these laws be generally acted on, it is believed as full organization of the reserve population would be secured for casual needs as would be practicable."

I closed that letter by saying: "I am instructed by the President in his name to make on you a requisition for five thousand men, to be furnished by your State for service therein, unless in the intermediate time a volunteer force, organized under the law for local defence and special service of at least an equal number be mustered and reported as subject to his call for service within your State."

In my telegram of the 12th, I say: "Your assurance of co-operation is gratifying. Organizations under the law of the Provisional Congress are preferred, because of their *longer term of duration* and greater adaptation for ready call on temporary service and then for dismissal to their ordinary pursuits."

In my letter of the 19th of June, I repeated the arguments in favor of organizations for local defence in preference "to militia organizations or organizations on a basis similar to the militia for a limited period of service." I stated to you that "I did not suppose there would be such difficulties, delays or confusion as you anticipated; that the process of forming the organizations is very simple and familiar to your people as having been generally adopted in volunteering for the Provisional Army. There will be no occasion to send on to the Department here anything but the muster rolls, which, *under the regulations to be issued* may be verified by a judge, justice or colonel of militia. I think, with deference to your opinion, the whole matter of prompt and easy accomplishment."

The regulations referred to were published on the 22d of June, 1863. They declare their object to be to afford "instructions as to the method by which such organizations may be made, and the privileges they may claim;" and with these regulations, the Act of Congress of August 21st, 1861, was published, which authorized the President to accept the services of volunteers of such kind and in such proportion as he may deem expedient to serve for such time as he may prescribe, for the defence of exposed places or localities, or such special service as he may deem expedient.

The general features of these regulations I have already stated. They define with exactness the conditions as to time of enlistment, the place of service, the duration of their special and particular service upon the Presidential call. These were the organizations that you were expected to form, and you seem to have entirely overlooked or forgotten the duty that you undertook to fulfill.

It is not pretended by you that you carried into effect this plan for the organization of the State reserves, and that your promised co-operation was unproductive of the results anticipated from it. You followed the suggestions of your own mind, and did not act, and, so far as this Department knows, did not attempt to act, conformably to the views presented to you.

I made no complaint of your failure to do this, nor was the failure made the subject of any observation, until you assumed the ground of being the injured party, from which you railed at the President and the Department, as wanting in faith to you; while the fact was, if there was any

want of faith or breach of duty, you alone were the guilty party. I recur to the subject now simply to correct the misrepresentation of the conduct of the Department by your garbled extracts from its correspondence—extracts which do not exhibit fairly the subject under consideration. I abstain now from imputing your conduct to bad faith to the Department, in repelling the wanton and reckless assault upon the integrity of the administration of this Department.

Your remarks upon the patriotism and services of the people of Georgia will have no contradiction from me. I fully appreciate both. I have not believed that they could be seduced from their fidelity to the Confederate States, or their duties under their constitution. I have not supposed that they could be betrayed into any desertion of the common cause. The unanimous voice of the Legislature of the State was not required to assure me of their truth and loyalty. It has but confirmed the opinion that the seeds of baleful jealousies, suspicions and irritation that have so industriously been scattered among them, have been wholly unproductive of the fruit anticipated.

It is to be hoped in the future that all the energy that has been thus employed will be diverted to the legitimate object of achieving the independence of the Confederate States, securing the peace and tranquility of the Confederacy, and promoting thereby the true greatness of Georgia.

Very respectfully, your ob'dt serv't,

JAMES A. SEDDON,

Secretary of War.

EXECUTIVE DEPARTMENT, }
MACON, GA., Jan. 6, 1865. }

HON. JAMES A. SEDDON, SECRETARY OF WAR:

Sir—It becomes my duty to notice your communication of 13th December, which reached me a few days since.

After citing the acts of Congress of 28th February and the 6th March, 1861, conferring power upon the President to assume control of military operations in the States, and to call forth the militia, etc., you declare that Congress in passing these acts did not exceed its competency under the Constitution, and you then insist on a construction of these acts, which denies the right reserved by the States to keep troops in time of war, and which confers upon the President the power to call upon one State for a class of her population which are not subject, under any law of Congress, to do military duty, and for which he makes no similar requisition upon any other State.

The acts which you quote are not properly susceptible of any

such construction, as you are obliged to place upon them to make them serve your purpose. If they were, there could be no doubt upon the mind of any lawyer who understands the rudiments of constitutional law, that Congress had no power or authority to pass them. No candid lawyer will insist, for a moment, that an act of Congress can take from the States the right which they have plainly reserved in the Constitution to *keep troops* in time of war, or that the President has any power or control over any troops which a State may so *keep*, or that he can justly and legally make requisition for them, or that he has any legal or just grounds of complaint if a State refuses to turn them over to him if he should transcend his legal authority by making the requisition. Nor will any lawyer insist that the President has any power to make requisition for militia which Congress has not made provision for "*organizing*," or for men or boys not subject to militia duty under the laws of Congress. As these acts of Congress could confer upon the President no powers which are denied to him by the Constitution, and as his late requisition upon the Executive of this State was in clear violation of her reserved rights under the Constitution, I am surprised that you should attempt to justify this usurpation of undelegated powers by a resort to Congressional action as directory to the President to violate the rights of the States.

In your former letter, you declared that my refusal to fill this requisition of the President, was analogous in "all particulars" to the conduct of the Governors of Massachusetts and Connecticut in the last war with Great Britain, in refusing to fill the requisition made upon them by the President of the United States. In my answer, I showed too conclusively for reply, that the cases were not analogous in *any particular*. Without attempting to make good your assertion, or to controvert a single position in my argument, or to trace the *analogy* in a *single particular*, you again allude to the subject in your last letter by saying: "In stating the *parallel* case of the conduct of the *refractory* Governors of Massachusetts and Connecticut," etc. Now no one knew better than yourself that the cases were in no degree *parallel*, and that you could neither trace the *parallel* lines nor point out the analogy.

To avoid a misstatement contained in your former letter that "the judicial tribunals determined adversely to the pretensions of these Governors," you say you were aware that the former (the Governor of Massachusetts) had the support of the opinion of the Judges of that State and of the Legislatures of those States, etc.; and that the authority of these support me in my position. Here again, you are as incorrect as I have shown you to be in almost every important statement which has been made by you. There

is nothing in the opinion of the Judges of the Supreme Court of Massachusetts sustaining the Governor of that State, which gives the slightest support to my position, or that has the least bearing upon the controversy between us. What were the points decided by that opinion of the Court? They were substantially the following:

1st. That when the President made a requisition upon the Governor of a State for the militia to repel threatened invasion, it was the right of the Governor to judge whether the emergency existed. He decided that it did not.

2. That when the militia were called out under a requisition from the President, no Federal officer but the President *in person* had the right to command them. These were the positions of the Governor of Massachusetts, and the opinion of the Judges sustained him.

Neither of these questions has arisen in this discussion. I have not denied the existence of the exigency, but foresaw it and had the reserve militia in the field in battle with the enemy months before the President seems to have seen it, at least months before he realized it to an extent to cause him to make the requisition.

I have not raised the question as to the right of a Confederate officer, other than the President *in person*, to command this militia so called out by me while in service. On the contrary, I had placed them under the command of a Confederate General long before the requisition was made. With these facts before you, a little reflection cannot fail to show you how much mistaken you are when you make the assertion that the decision of the Judges of the Supreme Court of Massachusetts, or of the Legislatures of those two States sustain my course or any position I have taken. As there is neither *analogy* nor *parallel* between the cases cited by you and my own case, no decision sustaining the Governors in those cases can either sustain or condemn my course upon an entirely different state of facts and circumstances.

But you say the judicial opinions of the Supreme Court of New York, and of the Supreme Court of the United States as rendered in the line of their duty, afford no such support. As you have not shown how the action of the Governors of Massachusetts and Connecticut, or the correctness of their position could have come judicially before the Supreme Court of New York, or the Supreme Court of the United States; and as you have not been able to cite any case in which the question of the conduct of those Governors was ever before either of said Courts, I am left to suppose that you are, as I have shown you to be in so many instances, again unfortunate in your statement of facts, and that in attempting to sustain an erroneous statement in your other letter, you have added another to former mistakes.

As an excuse for dismissing the subject without further attempt to sustain your position, you remark that Major General Cobb informs the Department that he has made a satisfactory adjustment of this difficulty. While there has been perfect harmony between General Cobb and myself in military matters from the commencement of Sherman's advance upon Atlanta to the present time, as there has been between Generals Johnston, Hood, Beauregard and myself; there has been no adjustment whatever between me and General Cobb, of what you are pleased to term "this difficulty." I have neither by word nor act done anything to recognize the right of the President to make this requisition, or to admit the obligation of the Governor to fill it. I have stood in reference to General Cobb as I have towards you and the President upon the reserved rights of the State, and have refused to relinquish the control of the State over her reserved militia, while she determines to keep them, or to fill a requisition which the President had no right to make. I am happy to find that upon reflection you seem to see your error, and are prepared to accept this as a *satisfactory adjustment* of a controversy which you have unjustly provoked, and in which you cannot sustain yourself upon any known principle of reason or law.

You devote a greater part of your letter to another attempt to justify your bad faith to the Georgia troops called out under the President's requisition of 6th June, 1863, and to prove contrary to the plain language of the requisition, that they were called for *during the war*. You complain of what you call my "garbled extracts," and you quote extensively from the requisition, but you are particularly careful to so "garble" your own extracts as not to quote that essential part of it twice stated in the letter, as I have already shown, that they were required only for *six months*. It was upon this requisition, with the two acts of Congress, which you sent with it as the guide for my conduct, that I promised co-operation with you in the organization. The promise was redeemed both in letter and spirit, and your call for *eight thousand* men (not *five thousand* as you now erroneously state in your last letter) was met with more than double the number required, organized in strict accordance with the plain language of the requisition and the acts of Congress on that subject.

As candor and truth at least are expected of one occupying your position, it is painful to witness the shifts to which you resort to do injustice to my State, and to misrepresent the conduct of her Executive in a matter where he more than doubly filled your requisition.

I am now favored by you with a copy of a General Order issued by Adjutant General Cooper, weeks after the requisition was made, which I do not recollect that I ever saw,

till I received your letter, and you complain that I did not carry out your views as expressed in that order. I obey no orders from your Department; nor was this order furnished to me when you made the requisition, or during the organization of the troops with even a request that I conform to it. I was asked by you to organize the troops in accordance with your letter containing the requisition and the two acts of Congress, of which you enclosed copies, for *six months* service, with the pledges contained in your letter, to which I referred in my last letter, that they should only be called out for sudden emergencies, etc. This I did on my part, and you refused to redeem the pledges made on your part. This is the whole case, and I here dismiss this part of the subject with my regrets that justice to myself and the large number of citizens of my State who suffered unnecessarily by your action, has made it a duty for me to expose your bad faith and the misstatements to which you have resorted to sustain an interpretation of your requisition which its plain language unquestionably precludes.

By the expression in your letter that: "It (the unanimous voice of the Legislature of this State) has but confirmed the opinion that the seeds of baleful jealousies, suspicions and irritation that have so industriously been scattered among them" (the people) have been wholly unproductive of the fruits anticipated," I am left to conclude that in your disingenuous effort by insinuation to call in question my motives in *protesting* against the President's usurpations and abuses of power, you, as is your habit, base your assertion upon an assumption of facts which do not exist. The Legislature of this State at the late session passed no resolutions, and expressed no unanimous voice, upon any question connected with the conduct of the Administration of which you are a member, nor did they utter in its behalf any voice of approbation.

While the people of this State are true and loyal to our cause, they are not unmindful of the great principles of Constitutional Liberty and State Sovereignty upon which we entered into this struggle, and they will not hold guiltless those in power who, while charged with the guardianship of the liberties of the people, have subverted and trampled personal liberty under foot, and disregarded the rights of private property, and the judicial sanctions by which, in all free governments, they are protected.

The course pursued by the Administration towards Georgia, in her late hour of extreme peril, has shown so conclusively, as to require no further argument or illustration, the wisdom of the reservation made by the States, in the Constitution, of the right to keep troops in time of war. Georgia has furnished over one hundred thousand of her gallant sons to the armies of the Confederacy. The great

body of these men was organized into regiments and battalions of infantry and artillery, which have been sustained by recruits from home, from month to month, to the extent of our ability. Those who survive of these regiments and battalions have become veterans in the service, who, if permitted, would have returned to their State, and rendered Sherman's march across her territory and the escape of his army alike impossible. I asked that this be allowed, if assistance could not be otherwise afforded. It was denied us, and the State has been passed over by a large army of the enemy. Hundreds of miles of her railroads have been for the present rendered useless. A broad belt of her territory, nearly four hundred miles in length, has been devastated. Within this belt most of the public property, including several court houses with the public records, and a vast amount of private property, including many dwellings, gin houses, much cotton, etc., have been destroyed. The city of Atlanta, with several of the villages of the State, have been burnt; the Capital has been occupied and desecrated by the enemy, and Savannah, the seaport city of the State, is now in his possession. During the period of Sherman's march from Atlanta to Milledgeville, there were not one thousand men of all the veteran infantry regiments and battalions of Georgians, now in Confederate service, upon the soil of this State. Nor did troops from other States fill their places.

Thus "abandoned to her fate" by the President, Georgia's best reliance was her reserve militia and State line, whom she had organized and still *keeps*, as by the Constitution she has a right to do. Without them much more property must have been destroyed and the city of Macon, so important to the State and Confederacy, must have shared the fate of Atlanta and Savannah, while Augusta, with the small Confederate force by which she was saved divided with Macon, must also have fallen.

These troops whom Georgia *keeps* have not only acted with distinguished gallantry upon many bloody battlefields upon the soil of their own State, but they have, when an important service could be rendered by them, marched into the interior of other States. The noble conduct of the Troup County Militia in their march to Pollard, Alabama, to aid in the protection of the people and property of that State against the devastations of the enemy, and the heroic valor displayed by Maj. General G. W. Smith and part of his command then with him at Honey Hill, in South Carolina, where he won—with the Georgia Militia, her State Line and a small number of gallant Confederate troops most of whom were Georgians—one of the most signal victories of the war in proportion to the number engaged, fully attest the correctness of my assertion in their behalf.

In view of these facts, with the late bitter experience of the people of this State fresh in his recollection, the Georgia statesman must indeed be a blind worshipper of the President, who would advocate the policy of turning over to his control, to be carried out of the State at his bidding, old men and boys not subject under the laws of Congress to military service, and of a class not required by him of any other State.

I cannot close this communication without noticing certain expressions in your letter, which are not unfrequently used by persons in authority at Richmond, such as "refractory Governors," "loyal States," etc. Our people have become accustomed to these Imperial utterances from those who wield the central despotism at Washington, but such expressions are so utterly at variance with the principles upon which we entered into this contest in 1861, that it sounds harshly to our ears to have the officers of a Government, which is the agent or creature of the States, discussing the *loyalty* and *disloyalty* of the sovereign States to their central agent—the loyalty of the creator to the creature—which lives and moves and has its being only at the will of the States; and to hear their praise of the Governors of sovereign States for their subserviency, or their denunciation of those not subservient as "refractory." If our liberties are lost, the fatal result will not be properly chargeable to *disloyal States* or "refractory Governors," but it will grow out of the betrayal, by those high in Confederate authority, of the sacred principles of the Constitution, which they have sworn to defend.

Had some officials labored as successfully for the public good as they have assiduously to concentrate all power in the Confederate Government, and to place the liberty and property of every citizen of the Confederacy subject to the caprice and control of the President, the country would not have been doomed to witness so many sad reverses. Nor would we now be burdened to support the vast hoard of supernumerary officers and political favorites, who are quartered upon us to eat out our substance, while they avoid duty and danger in the field, having little other duty to perform, but to endorse, indiscriminately and publicly, by newspaper communications and otherwise, every act of the President, whether right or wrong; and to reconcile the people, by every means in their power, to the constant encroachments which are made upon their ancient usages, customs and liberties.

If all these favorites of power who are able for active duty, and whose support in the style in which they live, while all around them is misery and want, costs the people millions of dollars, were sent to the field and compelled to do their part in battle, the President would have no reason

to make illegal requisitions upon this State for her old men and boys, who are not subject to his control under any law, State or Confederate; but he would soon be able, by heavy reinforcements, to fill the depleted ranks of the armies of the Confederacy. As the President is clothed with all the power necessary to compel these political favorites to shoulder arms and aid in driving back the invader, the subject is respectfully commended to your consideration as well worthy of energetic action.

I am, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.











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